REMARKS

Rejection of Claims of Art Grounds in the 28 November 2006 Office Action, and Traversal Thereof

Claims 18-23 stand rejected under 35 U.S.C. 112, first paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter for which the applicant regards as the invention. Specifically, the Examiner holds that the word "of" in claim 18 should be removed (claims 19-23 are dependent on claim 18). Independent claim 18 is now amended to remove the word "of".

Claims 1-15, 17-32, 34-76, 78- 93 and 95-136 stand rejected under 35 U.S.C. 102(b) as being anticipated by Walton et al. (USPN 5,883,639). Claims 16, 33, 77 and 94 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Walton (USPN 5,883,639).

ARGUMENTS

The patent to Walton discloses a system for creating user interfaces for consumer products such VCR's, digital voltmeters, and the like. In particular, Walton discloses a visual software engineering system and method for developing visual prototypes on a computer display and connecting user code to the visual prototypes.

In contrast to Walton, the present invention is a software development tool for generating enterprise level source code in a much more efficient manner than is achievable with the prior art, including Walton. The present invention achieves improved efficiency by providing a method having computerized steps for automatically reflecting any modifications in a source code throughout a database to avoid completely regenerating the source code. The claims of the

present application are currently amended to clarify which steps of the present invention are computerized.

The Examiner relies on Figure 1 of Walton for his 35 U.S.C. 102(b) rejection pointing to the various graphical elements and components with attributes stored in a database. However, the flow diagram of the method steps shown in Figure 1 of Walton only show user method steps as opposed to the computerized method steps of the present application. The Figure 1 flow diagram of Walton along with its description in column 8, lines 44-65 predominantly discloses user method steps such as the following quote from column 8 line 45. "As illustrated, the interface designer picks graphical objects from libraries 100 of standard and user-created components and places these graphical objects in drawing and behavior editor 110." This quoted step is typical of the user steps disclosed by Walton in Figure 1. As such, the steps disclosed in Figure 1 of Walton are not equivalent to the computerized steps of the present invention.

As stated in MPEP §2131, a claim is anticipated under §102 only if each and every element as set forth in the claim, in as complete detail is found in a single prior art reference. While Walton does disclose various computerized steps in other Figures such as Figures 6-16, none of the disclosed steps perform the present invention's computerized steps for automatically reflecting any modifications in a source code to avoid completely regenerating the source code. Therefore, Walton cannot be properly held to anticipate the independent claims and their dependents as currently amended.

Moreover, the Federal Circuit has ruled on numerous occasions that a holding of "obviousness" requires some motivation, suggestion or teaching within the cited references that

would lead one skilled in the art to modify the cited reference or references as claimed by applicant. See, for example, In re Kotzab, 217 F3d 1365, 55 USPQ2d 1313 (Fed Cir. 2000):
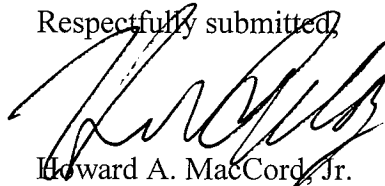
> "Most if not all inventions arise from a combination of old elements. See In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457 (Fed. Cir. 1998). Thus, every element of a claimed invention may often be found in the prior art. However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicant. See In re Dance, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998); In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984). Even when obviousness is based on a single prior art reference, there must be a showing of a suggestion or motivation to modify the teachings of that reference. See B.F. Goodrich Co. v. Aircraft Breaking Sys. Corp., 72 F.3d 1577, 1582, 37 USPQ2d 1314, 1318 (Fed. Cir. 1996)."

The cited Walton patent and the present application both disclose software tools. However, the applicant's method, as specifically claimed, requires steps that are different from and neither suggested nor taught by the cited reference alone or in combination with other prior art. Moreover, there is no motivation to modify the methods of the cited Walton reference to incorporate the steps claimed by the applicant, since the result would be contrary to the aims of Walton, which are to develop visual prototypes of user interfaces for real world objects such as VCR's, digital voltmeters and the like. In contrast, the present invention is for developing enterprise level software such as that used by the banking industry, etc. Therefore, the independent claims and their dependents cannot be held as being obvious in view of the Walton reference.

CONCLUSION

In view of the foregoing amendments and for the above reasons, it is believed that this application is now in condition for allowance. If unresolved issues remain, the Examiner is invited to telephone applicant's attorney at the number below.

Respectfully submitted,

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Date: February 28, 2007
File No.: 7399-015